

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

JOHN ELMY, et al.,

Plaintiffs,

v.

WESTERN EXPRESS, INC., et al.,

Defendants.

CIVIL NO. 3:17-cv-01199

Judge Campbell/Frensley

**PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF COLLECTIVE
ACTION SETTLEMENT**

Comes now the Plaintiffs, individually and on behalf of all other similarly situated persons, by and through counsel of record, Getman, Sweeney & Dunn, PLLC and Swartz Swidler, LLC, and move this honorable Court for an order (1) granting final approval of the Settlement Agreement as fair, reasonable and adequate; (2) finding that notice carried out by the Court appointed Claims Administrator fully satisfied the notice requirements for a Rule 23 and FLSA class settlement; (3) finding the release contained in the Settlement Agreement binds Settlement Class Members; (4) finding the allocation of the Settlement Payments is fair, reasonable and adequate; and (5) ordering that the Settlement Agreement be carried out according to its terms.

As set forth in Plaintiffs' Memorandum in Support, the Court should grant Plaintiffs' unopposed Motion because the settlement meets the standards for final approval. The settlement was reached after significant litigation and with the assistance of a seasoned and well-respected wage-and-hour mediator and is the result of the Parties and their counsel fully evaluating the risks, expense, and delay of continued litigation and the benefits of settlement. All the Parties' counsel have significant experience litigating wage and hour collective and class actions and have conducted extensive discovery and litigated several significant motions in this case. As a result,

they fully understand the claims and defenses in the Litigation and can value them accordingly. Plaintiffs' Counsel and the Named Plaintiffs believe that this is a fair, reasonable, and adequate settlement for the Settlement Class Members. Accordingly, Plaintiffs request that the Court grant final approval of the settlement.

Pursuant to LR7.01(a)(1) Counsel for Plaintiffs conferred with Counsel for Defendants regarding Defendants' position on this motion. Defendants do not oppose the relief requested in the motion.

Dated: August 1, 2022

Respectfully Submitted,

/s/ *Michael J.D. Sweeney*

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF COLLECTIVE ACTION SETTLEMENT was electronically filed with the Court and electronically served on the date reflected in the ECF system upon:

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By: */s/ Michael J.D. Sweeney*

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